

### **REMARKS/ARGUMENTS**

The office action of August 9, 2005 has been carefully reviewed and these amendments and remarks are responsive thereto. Claims 1, 9, 10, 15-18, 26, 27, 29, 32-34, 48, 49 have been amended. Claims 35-47 have been canceled. Claims 50-62 have been added. No new matter has been added. Claims 1-34 and 48-62 remain pending after entry of this amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### **Telephonic Interview**

Applicants thank Examiners Rimell and Chojnacki for allowing us to interview this case on October 6, 2005. Applicants are amending the claims as discussed during the interview to place the claims in condition for allowance. Moreover, Applicants have canceled claims 35-41 and 47 to expedite prosecution but reserve the right to file a continuation application seeking coverage of the canceled subject matter.

#### **Claim Rejections under 35 U.S.C. §112**

Claim 47 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Pursuant to Applicants' agreement with Examiners Rimell and Chojnacki during the telephonic interview, Applicants have amended the "adaptive threshold" feature and incorporated it into the independent claims in the application. Thus, Applicants' believe that the amendments are sufficiently definite to overcome at least the 35 U.S.C. §112, second paragraph, objections.

#### **Claim Rejections**

Claims 1-9, 12-26, 29-34 and 48-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bhandari *et al.* (U.S. Patent No. 5,865,464, hereinafter "Bhandari"). Claims 10, 27 and 35-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of "A Software System for Automatic Albuming of Consumer Pictures," by Loui *et al.* (ACM Multimedia Conference, Oct. 30 – Nov. 5, 1999, hereinafter "Loui '99"). Claim 11

stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of “Automatic Image Event Segmentation and Quality Screening for Albuming Applications,” by Loui *et al.* (IEEE Int’l Conference on Multimedia and Expo, Jul. 30 – Aug. 2, 2000, hereinafter “Loui ‘00”). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of Loui ’99 and further in view of Loui ’00. These rejections are respectfully traversed for the following reasons.

Amended independent claims 9, 10, 12, 15-18, 26, 27, 29, 32-34 and 49 all relate to, *inter alia*, an adaptive threshold, wherein the adaptive threshold is based on a running average of log time gaps between media objects. No combination of Bhandari, Loui ’99 and/or Loui ’00 teaches or suggests a feature. As such, claims 9, 10, 12, 15-18, 26, 27, 29, 32-34 and 49 are allowable for at least this reason.

Claims 2-8, 11, 13, 14, 19-25, 28, 30, 31 and 48 are dependent on their respective base claims and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

#### **New Claims**

New dependent claims 50-62 have been added and are allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein. No new matter has been added.

Appln. No.: 10/021,255  
Amendment dated October 11, 2005  
Reply to Office Action of August 9, 2005

**CONCLUSION**

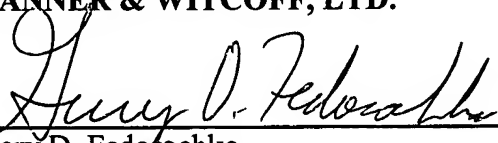
It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Dated: October 11, 2005

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